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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,144	02/15/2001	Walter Rosenbaum	2001P01989US	1512
28204	7590	02/13/2004	EXAMINER	
SIEMENS SCHWEIZ I-44, INTELLECTUAL PROPERTY ALBISRIEDERSTRASSE 245 ZURICH, CH-8047 SWITZERLAND			POND, ROBERT M	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 02/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/783,144

Applicant(s)

ROSENBAUM, WALTER

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Applicant is required to submit corrected drawings of the noted defects. Applicant is required to submit drawing corrections promptly. Drawing corrections may no longer be held in abeyance. Noted defects include at least the following: Figure 1 does not meet margin requirements; Figures 2-5, numbers and reference characters are not plain and legible; Figure 6, lines, numbers, and letters not uniformly thick and well defined. Please see 37 CFR 1.84 for drawing standards.

### ***Specification***

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by

Art Unit: 3625

the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**3. Claims 1-35 are rejected under 35 USC 102(e) as being anticipated by Hartley-Urquhart (patent number 6,167,385).**

Hartley-Urquhart teaches all the limitations of Claims 1-35. For example, Hartley-Urquhart discloses a system and method for financing a supply of goods from a supplier to a buyer (see at least abstract; col. 1, lines 5 through col. 2, line 53). Hartley-Urquhart further discloses:

- Monitoring a transaction between a buyer and seller (see at least Fig. 2 (210, 220, 230, 270, 260); col. 3, line 5 through col. 5, line 30).
- Notifying a lender of a transaction status (see at least col. 5, line 31-34; col. 7, lines 51-59).
- Buyer approval of the transaction (see at least col. 5, lines 58-60).
- Financial institution receiving notice to release funds to seller, and releasing capital financing to the seller (see at least col. 5, lines 58-62; col. 7, lines 51-59).
- Delivery plan and shipping purchased goods (see at least abstract; col. 4, lines 53-63).
- Trigger that notifies the financial institution to release funds to the supplier (see at least col. 5, lines 25-30) (please note the examiner interprets the seller's participation as a request for funds).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 4. Claims 36-56 are rejected under 35 USC 103(a) as being unpatentable over Hartley-Urquhart (patent number 6,167,385), in view of Chelliah et al. (patent number 5,710,887).**

Hartley-Urquhart teaches a system and method for improving traditional factoring (financing a supply of goods) (see at least abstract; col. 1, lines 5 through col. 2, line 53). Hartley-Urquhart further teaches:

- Buyer approval of the transaction (see at least col. 5, lines 58-60).
- Financial institution receiving notice to release funds to seller, and releasing capital financing to the seller (e.g. sequentially or concurrently) (see at least col. 5, lines 58-62; col. 7, lines 51-59).
- Trigger that notifies the financial institution to release funds to the supplier (see at least col. 5, lines 25-30) (please note the examiner interprets the seller's participation as a request for funds).
- Security measures using passwords for identification (see at least col. 4, lines 33-36).

Art Unit: 3625

- Monitoring a transaction between a buyer and seller (see at least Fig. 2 (210, 220, 230, 270, 260); col. 3, line 5 through col. 5, line 30).
- Notifying a lender of a transaction status (see at least col. 5, line 31-34; col. 7, lines 51-59).
- Buyer approval of the transaction (see at least col. 5, lines 58-60).

Hartley-Urquhart teaches all the above as noted under the 103(a) rejection and teaches buyers and sellers conducting electronic commerce over the Internet using security measures (e.g. passwords), and further teaches buyer purchasing goods from sellers (see at least col. 4, lines 25-36), but do not disclose specifics on a client system used to purchase goods. Chelliah et al. teaches a system and method of client machines using a web browser to purchase goods and services from sellers over the Internet using passwords as identifiers and encryption for additional security (see at least abstract; Fig. 2 (12, 13); col. 5, lines 5 through col. 6, line 7; col. 9, lines 8-14; col. 12, lines 1-9). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Hartley-Urquhart to disclose client systems as taught by Chelliah et al., in order to more fully disclose how client systems securely communicate and display electronic commerce information.

Hartley-Urquhart teaches all the above as noted under the 103(a) rejection and teaches verifying payment information, shipping goods to the buyer, and buyer confirming receipt, but do not disclose shipping to a delivery address.

Chelliah et al. teach shipping goods to a delivery address (see at least col. 7, lines 31-33). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Hartley-Urquhart to disclose shipping to an address as taught by Chelliah et al., in order to more fully disclose how purchased goods are delivered to a buyer.

- 5. Claim 57 is rejected under 35 USC 103(a) as being unpatentable over Hartley-Urquhart (patent number 6,167,385) and Chelliah et al. (patent number 5,710,887), as applied to Claim 43.**

Hartley-Urquhart and Chelliah et al. teach all the above as noted under the 103(a) rejection and teach verifying invoices to received goods, and further teach methods for reconciling disputes, but do not disclose removing factoring in response to a returned good. It would have been obvious to one of ordinary skill in the art at time of the invention to disclose removing factoring in response to a buyer returning goods, since it is well within the skill to ascertain that releasing funds to the seller was predicated on the buyer receiving goods.

- 6. Claim 58 is rejected under 35 USC 103(a) as being unpatentable over Hartley-Urquhart (patent number 6,167,385) and Chelliah et al. (patent number 5,710,887), as applied to Claim 43, further in view of Official Notice (regarding returned goods processing).**

Hartley-Urquhart and Chelliah et al. teach all the above as noted under the 103(a) rejection and teach a post system, and removing factoring due to returned goods, but do not disclose a post system returning goods to the seller. This examiner takes the position that it is old and well-known that buyers who are returning purchase goods, return goods to an intermediary for shipping or return goods to a processing center. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Hartley-Urquhart and Chelliah et al. to implement return goods processing as taught by Official Notice, in order to more fully disclose how returned goods are processed.

- 7. Claims 59-60 are rejected under 35 USC 103(a) as being unpatentable over Hartley-Urquhart (patent number 6,167,385), Chelliah et al. (patent number 5,710,887), and Official Notice (regarding returned goods processing), as applied to Claim 57, further in view of Kelly et al. (patent number 5,424,944).**

Hartley-Urquhart, Chelliah et al., and Official Notice teach all the above as noted under the 103(a) rejection and teach the financial institution be notified of disputes, and further teach processing returned goods, but do not disclose the post system selling the returned goods. Kelly et al. teach a system and method of a centralized product returns center comprising transportation preparation, processing receiving station, and sorting station that routes returned product to



areas designed to sale product "as is," or recycle, disassemble, dysfunction, destroy, refurbish, or restock returned products. Kelly et al. teach customers supplying information necessary to instruct the service provider the type of service to be provided, and meticulous records being kept in a database from product pick-up to final disposition (please see at least abstract; Fig. 1a (12); Fig. 1b (10-32); col. 1, line 5 through col. 4, line 7). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Hartley-Urquhart, Chelliah et al., and Official Notice to implement selling of return goods as taught by Kelly et al., in order to more fully disclose how returned goods are shipped back to the seller.

Hartley-Urquhart, Chelliah et al., Official Notice, and Kelly et al. teach all the above as noted under the 103(a) rejection and teach efficiency in releasing factoring funds to a seller for shipped goods to a buyer, but do not disclose limiting factoring to the seller systems having a number of returned goods, the number exceeding a pre-determined threshold. It would have been obvious to one of ordinary skill in the art at time of the invention to limit factoring to sellers experiencing a number of returned goods exceeding a threshold, since it is well within the skill to ascertain inefficient factoring processing due to excessive product returns.

Art Unit: 3625

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Vincent Millin** can be reached on 703-308-1065.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

**703-872-9306** (Official communications; including After Final communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

RMP  
February 9, 2004

  
Jeffrey A. Smith  
Primary Examiner